उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

[Single Bench: Hon'ble Mr. Justice Dhirendra Mishra]

Cr.M.P. No.430/07

APPLICANT Rajendra Pratap Singh, aged about 5 years, S/o Parmeshwar Singh, Occupation Service (now Compulsorily retired) Caste-Gond, r/o Village Ghaghara, P.S. Pendra, Tahsil Pendra Road, Bilaspur C.G.

Vs

NON-APPLICANTS

1. Sita Devi, aged about 52 years, w/o Rajendra Pratap Singh.
2. Lokendra Singh aged about 25 years, s/o Rajendra Pratap Singh.

Both caste Gond, r/o Village Ghaghara, P.S. Pendra, Tahsil Pendra Road, Bilaspur C.G.

19.12.2007

Mr. Yogendra Chaturvedi, Advocate for the applicant.

Heard on admission.

This petition is directed against the order dated 3.5.2007 passed in Criminal Revision No.255/06 arising out of order dated 28.7.2006 passed in M.J.C. No.28/06 by learned Judicial Magistrate First Class, Pendraroad, whereby the revision preferred by non-applicant No.1-Sita Devi has been allowed and learned Additional Sessions Judge has granted maintenance @ Rs.1,000/- per month to non-applicant No.1-Sita Devi.

Learned counsel for the applicant submits that the trial court, considering the fact that non-applicant No.1-Sita Devi was residing in the house of Kailasho Bai and is in possession of the joint holding of Kailasho Bai & the present applicant, has drawn the conclusion that the applicant has failed to establish that the applicant refused to maintain her. However, the

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आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

revisional court ignoring the above finding, which is established from the evidence available on record, has allowed the revision and granted maintenance @ Rs.1,000/- per month to non-applicant No.1-Sita Devi, which is contrary to the evidence available on record.

From perusal of the orders passed by both the courts below it is clear that non-applicant No.1 is the wife of present applicant, whereas, non-applicant No.2 is his son, who is blind. The applicant has contracted second Chudi marriage and is blessed with five issues from the second wife and Sita Devi is residing presently in the house of her sister Kailasho Bai. It is also evident that the applicant's income has been assessed at Rs.7,000/- per month and the revisional court considering the aforesaid circumstances has allowed the maintenance @ Rs.1,000/- per month to the non-applicant No.1, which is strictly in accordance with the law and does not call for any interference under Section 482 of the Cr.P.C.

In the result, the petition has no substance, the same deserves to be dismissed and it is hereby dismissed at the admission stage itself.

Sd/-
Dhirendra Mishra
Judge

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